

3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Dirnberger Gerhard

Examiner: Jennifer I. Thissell

Serial No: 10/031,185

Art Unit: 3635

Filing Date: January 17, 2002

Title: COMPONENT OR ASSEMBLY OF SAME AND FIXING CLIP
THEREFOR

Docket No. PATNP0101US

**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT
DATED FEBRUARY 6, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

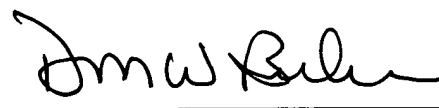
Enclosed is a copy of a notice of non-compliant amendment dated February 6, 2004. The stated reason for non-compliance is "no-mark up." A clean version of the specification was submitted in response to a notice of non-compliant amendment dated December 3, 2003 stating that the amendment could not be entered because of the reason "can't replace pgs." The original amendment included mark-ups. A phone call was placed to Tonya McBride, Legal Instruments Examiner, on February 23, 2004. A message was left for Ms. McBride by Jennifer Moore requesting clarification of what exactly was needed, but the phone call was not returned.

Presumably the objection as best understood can be resolved by submission of a substitute specification and a marked-up version of the specification showing the changes. The substitute specification does not introduce any new matter, as can be confirmed by reviewing the changes. Attached is both a marked-up version of the specification and a clean version of the specification due to the extensive amendments as required by 37 CFR 1.125.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 

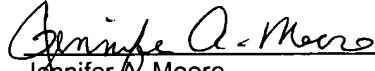
Don W. Bulson, Reg. No. 28,192

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 3-8-04


Jennifer A. Moore

Z:\SEC152\152\DWB\PATN\PO101US.P06.wpd



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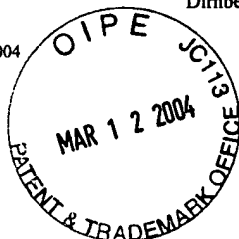
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,185	05/13/2002	Dirnberger Gerhard	PATNP0101US	2544

7590
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Cleveland, OH 44115

02/06/2004



EXAMINER

THISSELL, JENNIFER I

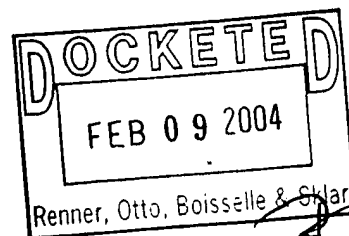
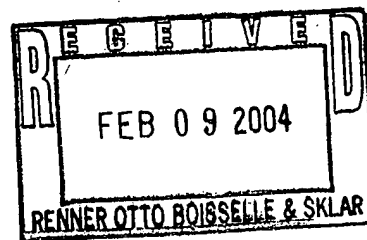
ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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3/6/04



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 145C
ALEXANDRIA, VA 22313-145C



Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1/6/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other no-mark up
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Tanya McBride
Legal Instruments Examiner (LIE)(703) 306-7475
Telephone No.